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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,263	09/29/2003	Thomas Facke	PO7849/LeA 35,938	1765
157 7590 08/07/2007 BAYER MATERIAL SCIENCE LLC 100 BAYER ROAD PITTSBURGH, PA 15205			EXAMINER SERGENT, RABON A	
			ART UNIT 1711	PAPER NUMBER
			MAIL DATE 08/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/674,263

Applicant(s)

FACKE ET AL.

Examiner

Rabon Sergent

Art Unit

1711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

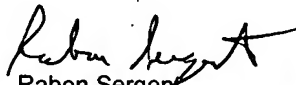
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1-10.
Claim(s) objected to: _____.
Claim(s) rejected: 11 and 15-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.


REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Rabon Sergent
Primary Examiner
Art Unit: 1711

Continuation of 3.: The proposed amendment sets forth limitations that have not been previously claimed and the proposed amendment sets forth language that raises issues of indefiniteness and lack of adequate written description under 35 USC 112, first and second paragraphs.

Continuation of 11.: The 35 USC 112, second paragraph rejection has been maintained in view of the non-entry of the proposed amendment. Applicants' arguments concerning the anticipation rejection have been carefully considered; however, the prior art rejection has been maintained for the following reasons. Firstly, it is noted that only claim 16 is limited to a specific structure for the allophanate compound; therefore, applicants' arguments with respect to the structure of the allophanate are insufficient with respect to the rest of the claims. Furthermore, given the language within claim 16 defining A, it is not seen that the structure should be as narrowly defined as argued by applicants. For example, applicants argue that their end groups are urethane groups, whereas the urethane groups of the reference are internal. In response, applicants' claims are not so limited. In fact, the position is taken that applicants end groups may be anything as long as they conform to the definition within claim 16; and claim 16 states that A represents radicals derived from isocyanate or isocyanate secondary products. It appears from this definition that A can simply be isocyanate groups or any radical of any structure that was derived from an isocyanate. Furthermore, it is noted that the reference discloses at page 6, lines 4-11 that the isocyanate groups of the compound can be blocked by such agents as phenols; therefore, such resulting urethane groups meet applicants' argued urethane end group. Additionally, applicants' arguments with respect to uretdione groups is not well taken. Applicants' claims set forth no uretdione group content that is clearly distinguished from the uretdione content of the reference. Only claim 11 sets forth a small quantity of uretdione groups for the polyisocyanate and, as aforementioned within the final Office action, this content does not apply to the polyisocyanate secondary product at all. Furthermore, since the argued "essentially free" language of the reference is not equivalent to "free", it is by no means clear that the claimed small amount of uretdione groups of claim 11 (applicable only to the polyisocyanate) is distinct from the reference.


RABON SERGENT
PRIMARY EXAMINER